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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/845,737	04/30/2001	Brian T. Murren	GEI-006US	3462
21718	7590	03/10/2005	EXAMINER	
LEE & HAYES PLLC SUITE 500 421 W RIVERSIDE SPOKANE, WA 99201			SWEARINGEN, JEFFREY R	
			ART UNIT	PAPER NUMBER
			2145	

DATE MAILED: 03/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No.	Applicant(s)	
	09/845,737	MURREN ET AL.	
	Examiner	Art Unit	
	Jeffrey R. Swearingen	2145	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 20 January 2005.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-57 is/are pending in the application.
- 4a) Of the above claim(s) 31-47 and 52-57 is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-30 and 48-51 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 30 April 2001 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION***Election/Restriction***

1. Applicant's arguments filed 1/20/2005 have been fully considered but they are not persuasive. The Examiner believes that a separate search field is still necessary considering the currently claimed subject matter.

Drawings

2. The drawings are objected to because, though the drawings are comprehensive in nature and cover multiple aspects of the invention, the drawings still fail to convey to one of ordinary skill in the art what exactly is being accomplished by the invention. The closest drawing that the Examiner feels is to showing the actual usage of the invention, which is still unclear, is Figure 20, which shows a login prompt on a web page and a human translator. Even with these two items present in Figure 20, and the descriptions given for this and all other submitted drawings, the Examiner is not assisted in grasping the invention at all based upon the currently submitted drawings. Applicant is reminded of the necessary compliance with 37 CFR 1.81(a), which states *The applicant for a patent is required to furnish a drawing of his or her invention where necessary for the understanding of the subject matter sought to be patented; this drawing, or a high quality copy thereof, must be filed with the application. Since corrections are the responsibility of the applicant, the original drawing(s) should be retained by the applicant for any necessary future correction.* [Emphasis added by the Examiner.] Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled

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"Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

3. A substitute specification including the claims is required pursuant to 37 CFR 1.125(a) because of the following rejections under 35 U.S.C. 112 dealing with enablement and indefiniteness, in part because of the freedom Applicant has taken at being his own lexicographer, thus making multiple terms in the invention and claims difficult to understand. The substitute specification is also required to be in proper idiomatic English and in compliance with 37 CFR 1.52(a) and (b). The substitute specification filed must be accompanied by a statement that it contains no new matter.

The substitute specification must be submitted with markings showing all the changes relative to the immediate prior version of the specification of record. The text of any added subject matter must be shown by underlining the added text. The text of any deleted matter must be shown by strike-through except that double brackets placed before and after the deleted characters may be used to show deletion of five or fewer consecutive characters. The text of any deleted subject matter must be shown by being placed within double brackets if strike-through cannot be easily perceived. An accompanying clean version (without markings) and a statement that the substitute specification contains no new matter must also be supplied. Numbering the paragraphs of the specification of record is not considered a change that must be shown.

The Examiner is careful to inform Applicant that the specification is compliant with 37 CFR 1.71 only to the extent to avoid making the specification incomprehensible. The Examiner contends that the specification, while **not being incomprehensible per se**, is still highly difficult to comprehend to one of ordinary skill in the art.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 1-30 and 48-51 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The Examiner submits that the specification and claims go into great detail on the technical aspects of the invention. But the Examiner strongly believes that the invention cannot be enabled because the Examiner cannot ascertain what the invention is attempting to accomplish. The specification refers to various modules, which are swapped out to adapt the architecture to different domains. [page 6] The Examiner requests that Applicant clearly cite where in the specification these various modules are defined and what they actually accomplish. The Examiner sees that Applicant refers to the use of this architecture in various domains, and gives examples of such. The Examiner is unclear how, if at all, the invention can be implemented to actually work in said various domains. The Examiner understands that Applicant wishes to receive all possible breadth of claim coverage. In this case, the Applicant has attempted to describe vaguely a multitude of uses for the invention with a very clear technical description of the underlying subject matter. Unfortunately this combination has made it very difficult to actually implement the invention because there is no hint of how to implement the technical disclosure. A broader, over simplified analogy could be made to a person who has been given a detailed schematic of a telephone wiring closet without saying why it is there, what the telephone wiring closet actually is, or how it can be used to connect telephones so people can talk to each other over them. That person would then be able to read and understand the schematic, but would suffer an unreasonable burden in attempting to grasp what the intention is of the device described in the schematic and then once the intention was discovered would suffer yet another unreasonable burden in actually deciding how the invention could be applied to various environments and implementing the invention to fit that inferred application.

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 1-30 and 48-51 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

8. Claim 16 recites the limitation "presentation tier" in claim 1. There is insufficient antecedent basis for this limitation in the claim.

9. Claim 29 recites the limitation "locale-sensitive content" in claim 29. There is insufficient antecedent basis for this limitation in the claim.

10. Where applicant acts as his or her own lexicographer to specifically define a term of a claim contrary to its ordinary meaning, the written description must clearly redefine the claim term and set forth the uncommon definition so as to put one reasonably skilled in the art on notice that the applicant intended to so redefine that claim term. *Process Control Corp. v. HydReclaim Corp.*, 190 F.3d 1350, 1357, 52 USPQ2d 1029, 1033 (Fed. Cir. 1999). With regard to claims 1-53, Applicant has freely acted as his own lexicographer. Applicant has used multiple terms that are not well known in the art and the Examiner has not encountered satisfactory definitions for said terms within the specification or within the prior art, including multiple technical and computer dictionaries, as to clear up this deficiency. The following are some of the terms that the Examiner has encountered within the claims that are not well known in the art, but this list is not meant to be limiting in that regard: multi-layer application, problem-solving logic layer, problem domain, execution model, execution environment layer, interfacing layer, framework, model dispatcher, request dispatcher, interaction-based model, interaction definitions, command model, action-view model, use case model, data abstraction layer, data coordination layer, domain framework, application data manager, application solution space, layout of individual replies, presentation theme, presentation module, rendering module, constraint system, hierarchy of constraint layers, constraint hierarchy, constraint resolver, legally mandated constraints, company-mandated

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constraints, cultural constraints, cultural aspects, low-level security rules, high-level permission concepts, form processor, form definition, resource bundle, locale-specific content, locale, resource bundle manager, locale-independent core, locale-sensitive content, computer-servable document. The terms are indefinite because the specification does not clearly define the terms to the extent required by the Examiner in order to allow one of ordinary skill in the art to reasonably understand the specification and invention with ease and clarity.

11. In general, the state of the disclosure and claims in the instant application preclude a limitation-by-limitation assessment of the claimed invention compared to the prior art. Therefore prior art is applied under 35 U.S.C. §§ 102 and 103 in an attempt to expedite prosecution in anticipation of future amendments rather than strictly based upon the examiner's assumptions. See *In re Steele*, 305 F.2d 859, 134 USPQ 292 (CCPA 1962).

Claim Rejections - 35 USC § 102

12. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

13. Claims 1-9, 12-16, 18-21, 23-24, and 48-51 as best understood by the Examiner are rejected under 35 U.S.C. 102b) as being anticipated by Stevens (Unix Network Programming).

14. In regard to claim 1, Stevens discloses *one or more computers; and a multi-layer application executing on the computers to handle client requests submitted by various client devices, the multi-layer application comprising: a problem-solving logic layer to process the client requests according to an associated problem domain, the problem-solving logic layer containing one or more execution models to perform various sets of tasks when processing the client requests, the problem-solving logic layer producing replies to the client requests; an execution environment layer to receive the client requests and select an appropriate execution model in the problem-solving logic layer for processing the client*

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requests; an interfacing layer to interface the problem-solving logic layer with one or more resources so that the execution models may utilize the resources when processing the client requests; and a presentation layer to receive the replies produced by the problem-solving logic layer and to structure the replies in a manner that makes the replies presentable on the various client devices. Stevens discloses the inetd process that services multiple connection requests. As each request is received by inetd, it executes the appropriate server program to handle the request. [Stevens, 334-341] This is the *problem-solving logic layer*, the *interfacing layer*, and the *execution environment layer*. Stevens also describes common use of a *presentation layer* for presenting replies on various devices, as part of the OSI model. [Stevens, 7] By this rationale claim 1 is rejected.

15. In regard to claim 2, Stevens is applied as in claim 1. Stevens further discloses a *framework to receive the client requests and route the requests to the problem-solving logic for processing*. Stevens describes such steps in step 6 of page 337. By this rationale claim 2 is rejected.

16. In regard to claim 3, Stevens is applied as in claim 2. Stevens further discloses *one or more adapters to interface the framework with different types of the client devices*. See Stevens, 335. Stevens also speaks to *different types of client devices* on page 2. By this rationale claim 3 is rejected.

17. In regard to claim 4, Stevens is applied as in claim 1. Stevens further discloses a *model dispatcher to route the client requests to selected execution models in the problem-solving logic layer; and a request dispatcher to structure the replies for return to the client devices*. Stevens has already disclosed how inetd receives requests and routes them to the appropriate server programs for execution [*model dispatcher*]. Stevens also discloses that the socket interface in use with inetd on a UNIX system also supports *structuring replies for return to the client device*. See Stevens, 261, Figure 6.2. By this rationale claim 4 is rejected.

18. In regard to claim 5, Stevens is applied as in claim 1. Stevens further discloses *the multi-layer application can be adapted to receive requests from new client devices with incompatible communication protocols by substituting a new execution environment layer that supports the new client devices*. Stevens discloses the ability to support multiple communication protocols on pages 259 and 271. The

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use of inetd with this ability should provide the same functionality as Applicant's claimed subject matter.

By this rationale claim 5 is rejected.

19. In regard to claim 6, Stevens is applied as in claim 1. Stevens further discloses a set of discrete program modules, each program module performing a specific task. See Stevens, 334, and the discussion on daemons and process in **6.16 Internet Superserver**. By this rationale claim 6 is rejected.

20. In regard to claim 7, Stevens is applied as in claim 1. Stevens further discloses an interaction-based model in which computer programs are defined by a series of interaction definitions. See Stevens, 72-85 and the discussion **2.6 Daemon Processes**, which gives an example computer program defined by a series of interaction definitions, also known to one of ordinary skill in the art as having computer program code machine instructions or simply code. By this rationale claim 7 is rejected.

21. In regard to claim 8, Stevens is applied as in claim 1. Stevens further discloses the execution models are embodied according to at least one of a command model, an action-view model, and a use case model. Stevens dispatches programs to server processes, as shown in pages 334-341. These processes are command models. By this rationale claim 8 is rejected.

22. In regard to claim 9, Stevens is applied as in claim 1. Stevens further discloses one of the execution models performs tasks according to a first business purpose, and the multi-layer application being reconfigurable to achieve a different business purpose by installing another execution model that performs tasks according to the second business purpose. Stevens talks about using various execution models [programs, server processes] to achieve various business purposes such as ftp, telnet, login, and tftp. By initiating another server process, the server is installing another execution model. See Stevens, 335. By this rationale claim 9 is rejected.

23. In regard to claim 12, Stevens is applied as in claim 1. Stevens further discloses the multi-layer application can be adapted to access new resources by substituting in a new interfacing layer that supports the new resources. See Stevens, 261-267. By this rationale claim 12 is rejected.

24. In regard to claims 13-14, Stevens is applied as in claim 1. Stevens further discloses the presentation layer being configured to select appropriate data formats for encoding the replies and the

presentation layer being configured to select appropriate communication protocols for delivering the replies to the clients. See Stevens, 250. By this rationale claims 13-14 are rejected.

25. In regard to claim 15, Stevens is applied as in claim 1. Stevens further discloses *the presentation layer is configured to determine how to display the replies for a particular client.* [Stevens, 250] By this rationale claim 15 is rejected.

26. In regard to claim 16, Stevens is applied as in claim 1. Stevens further discloses *the presentation tier is configured to determine at least one of (1) a layout of individual replies, (2) display attributes in which to present the replies, and (3) a presentation theme.* See Stevens, 250. By this rationale claim 16 is rejected.

27. In regard to claim 18, Stevens is applied as in claim 1. Stevens further discloses *an authentication module to authenticate the client devices or users of the client devices.* See Stevens, 430-436, where Kerberos authentication is disclosed. By this rationale claim 18 is rejected.

28. In regard to claims 19-21, Stevens is applied as in claim 1. In regard to claim 19, Stevens further discloses *a constraint system to constrain operation of the multi-layer application according to a hierarchy of different constraints.* In regard to claim 20, Stevens further discloses *a constraint system to constrain operation of the multi-layer application according to multiple different constraints, the constraint system comprising a hierarchy of constraint layers, with each constraint layer containing a set of one or more constraints that customize operation of the multi-layer application.* In regard to claim 21, Stevens further discloses *a constraint hierarchy of multiple constraint layers, each constraint layer containing a set of one or more constraints that constrain operation of the multi-layer application, the constraint layers being organized within the constraint hierarchy such that a first constraint layer limits a second constraint layer but the second constraint layer does not limit the first constraint layer; and a constraint resolver to resolve the constraint layers so that operation of the multi-layer application is constrained by a set of the constraints in the constraint layers.* Stevens discloses a configuration file for inetc and execution commands for each process called with multiple arguments for each process. See Stevens, 335-336. By this rationale claims 19-21 are rejected.

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29. In regard to claims 23-24, Stevens is applied as in claim 1. Stevens further discloses a *security policy enforcement module to enforce security restrictions on accessing information stored at the one or more resources, wherein the security policy enforcement module is to enforce the security restrictions based on a set of low-level security rules defined using high-level permission concepts.* Stevens discloses file access restrictions in pages 31-32. By this rationale claims 23-24 are rejected.

30. In regard to claims 48-51, the limitations of these claims are similar to the limitations in claims 1 and 13-22. Therefore the rejections applied to these claims are applicable to claims 48-51. By this rationale claims 48-51 are rejected.

Claim Rejections - 35 USC § 103

31. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

32. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Stevens and Official Notice.

33. In regard to claim 17, Stevens is applied as in claim 1. Stevens discloses a *presentation module to determine how the replies will appear on the client devices to users.* See Stevens, 250. Stevens fails to disclose a rendering module, otherwise known in the art as a program to assist in displaying information. However, Official Notice is taken that displaying information on a screen has been well known in the art for decades. It would be obvious to one of ordinary skill in the art at the time of the invention to display the information from a computer request on a screen so a user could see the results of the computer request. By this rationale claim 17 is rejected.

34. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Stevens.

35. In regard to claim 22, Stevens is applied as in claim 21. Stevens fails to disclose the use of specific types of constraints [parameters, arguments] as defined in claim 22. However, Stevens has

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shown the use of constraints [parameters, arguments] in defining the use and limits of a program as applied in claim 21. It would be obvious to one of ordinary skill in the art to apply a plethora of types of constraints to the Stevens description to allow for specialized operation according to the user and system specific needs, including *legally mandated constraints, company-mandated constraints, customer constraints, cultural constraints, and end user constraints*. By this rationale claim 22 is rejected.

36. Claims 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stevens and Gilly (Unix in a Nutshell, O'Reilly and Associates, 1992).

37. Regarding claims 10-11, Stevens is applied as in claim 1. Stevens fails to disclose data conversion. However, Gilly discloses methods of converting data in the UNIX system. See Gilly, 10-1 – 11-11. It would be obvious to one of ordinary skill in the art to convert data in order to allow various server processes to accept the requests as specifically required by the preexisting server processes. By this rationale claims 10-11 are rejected.

38. Claims 25-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stevens and Peek (Unix Power Tools).

39. Regarding claims 25-28, Stevens is applied as in claim 1. Stevens fails to disclose a method for handling data forms. However, Peek discloses a UNIX tool that allows for handling a data form and receiving the information from that form. Peek, 875-879. It would be obvious to one of ordinary skill in the art to use the form capabilities of Peek with the teachings of Stevens to allow a user to input data easily. By this rationale claims 25-28 are rejected.

40. Claims 29-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stevens and Tuthill (Creating Worldwide Software).

41. In regard to claims 29-30, Stevens is applied as in claim 1. Stevens fails to disclose internationalization of software [*using locale-specific content for a particular locale*]. However, Tuthill discloses an entire volume of ways to modify a program for international usage. To allow brevity of the legal record, the Examiner is only including the first chapter of this 382 page book. It would be obvious to one of ordinary skill in the art to combine the teachings of Tuthill with the teachings of Stevens to allow any program to have a worldwide audience. By this rationale claims 29-30 are rejected.

Double Patenting

42. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Omum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

43. Claims 1-30 and 48-51 provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over copending Application Nos. 09/845,734, 09/845,757, 09/681,567, 09/845,751, 09/845,752, 09/845,780, 09/847,035, 09/847,037, 09/847,038, 09/847,063, and 09/847,067. Although the conflicting claims are not identical, they are not patentably distinct from each other because the instant application could be made from a combination of the copending applications. Applicant has filed for twelve patents on April 30, 2001. The instant application seems to be, based upon the Examiner's best understanding of the instant application and all copending applications, a combination of all eleven copending applications. The majority of the copending applications have appeared in the instant application as dependent claims.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Requirement for Information

44. Applicant and the assignee of this application are required under 37 CFR 1.105 to provide the following information that the examiner has determined is reasonably necessary to the examination of this application.

45. The information is required to complete the background description in the disclosure by documenting the actual uses of the invention.

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46. The information is required to identify products and services embodying the claimed subject matter of an interchangeable multi-layer application interface and identify the properties of similar products and services found in the prior art.

47. In response to this requirement, please provide the title, citation and copy of each publication that any of the applicants relied upon to draft the claimed subject matter. For each publication, please provide a concise explanation of the reliance placed on that publication in distinguishing the claimed subject matter from the prior art.

48. In response to this requirement, please provide the names of any products or services that have incorporated the claimed subject matter, prior to the filing of the instant application.

49. In responding to those requirements that require copies of documents, where the document is a bound text or a single article over 50 pages, the requirement may be met by providing copies of those pages that provide the particular subject matter indicated in the requirement, or where such subject matter is not indicated, the subject matter found in applicant's disclosure.

50. The fee and certification requirements of 37 CFR 1.97 are waived for those documents submitted in reply to this requirement. This waiver extends only to those documents within the scope of this requirement under 37 CFR 1.105 that are included in the applicant's first complete communication responding to this requirement. Any supplemental replies subsequent to the first communication responding to this requirement and any information disclosures beyond the scope of this requirement under 37 CFR 1.105 are subject to the fee and certification requirements of 37 CFR 1.97.

51. The applicant is reminded that the reply to this requirement must be made with candor and good faith under 37 CFR 1.56. Where the applicant does not have or cannot readily obtain an item of required information, a statement that the item is unknown or cannot be readily obtained will be accepted as a complete reply to the requirement for that item.

52. This requirement is an attachment of the enclosed Office action. A complete reply to the enclosed Office action must include a complete reply to this requirement. The time period for reply to this requirement coincides with the time period for reply to the enclosed Office action.

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey R. Swearingen whose telephone number is (571) 272-3921. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Valencia Martin-Wallace can be reached on 571-272-6159. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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